

REMARKS

Claims 1 through 26 have been cancelled.

New claims 27 through 58, including independent claims 27, 36, 44, 52, 56 and 58 have been added.

Claims 4-8 and 11-23 stand objected to under 37 C.F.R. § 1.75(c) as being in improper form because they are dependent, directly or indirectly, on multiple dependent claim 3.

Claims 1-3 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,213,699 to *Sadri, et al.*

Claim 9 stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,204,308 to *Marling*.

Claims 2 and 3 off claims 2 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,633,560 to *Muller*.

The Examiner was silent as to the status of original claims 24-26.

New claims 27 through 61 generally recite elements corresponding to cancelled claims 1 through 26 as originally submitted. Support for these claims can be found throughout the specification and, accordingly, no new matter has been added.

Regarding United States Patent No. 6,213,699 to *Sadri, et al.*, the filing date is September 10, 1999. The present application dates to an earliest priority date of July 9, 1999 to which the pending claims derive support. Therefore, *Sadri, et al.* has been inappropriately cited as 35 U.S.C. § 102 prior art. Furthermore, *Sadri, et al.* discloses the fastener 10 having a hollow sleeve 12 with a flange 22 having a diameter significantly larger than the sleeve. The fastener

does not have an integral head. Therefore, *Sadri, et al.* fails to disclose all of the elements recited in each of the pending claims.

United States Patent No. 4,204,308 to *Marling* fails to disclose a functional element having a shaft part and a head part forming a riveting joint with a panel element at all. *Marling* appears to disclose a screw extracting device used to extract screws that have been countersunk into a substrate.

United States Patent No. 4,633,560 to *Muller* fails to disclose a functional element having a shaft part and a head part where the head part defines a tubular wall having an outer diameter substantially the same as the shaft diameter. Figures 1 and 2 of the *Muller* reference clearly shows a tubular wall 46 having a diameter substantially larger than a shaft part 120 of a functional element 100. Additionally, *Muller* fails to show a functional element having a shaft part and a head part forming a flangeless interface with the shaft part.

Regarding new claim 27, Applicant respectfully submits that none of the prior art cited by the Examiner disclose a functional element having a head part and a shaft part where the head part defines a tubular wall having an outer diameter substantially the same as the shaft diameter. Accordingly, Applicant respectfully submits that new independent claim 27 has been placed in a condition for allowance.

New claims 28-35 depend from independent claim 27, and therefore, include each and every element cited in new claim 27. Accordingly, Applicant respectfully submits that new claims 28-35 have also been placed in a condition for allowance.

Regarding new independent claim 36, Applicant submits that none of the prior art references cited by the Examiner disclose a functional element showing a shaft part and a head part forming a flangeless interface. Accordingly, Applicant respectfully submits that new independent claim 36 has been placed in a condition for allowance.

New claims 37-43 depend from claim 36, and therefore, include each and every limitation recited in new claim 36. Accordingly, Applicant respectfully submits that new claims 37-43 have also been placed in a condition for allowance.

New claim 44 recites a method of manufacturing a joint between a functional element and a sheet metal part. New claim 44 recites the steps of both forming a flange in a tubular wall of a head part and also forming an annular fold in the distal end of the head part thereby retaining a sheet metal part between the flange part and the annular fold. Applicant respectfully submits that none of the prior art references cited by the Examiner show a head part where both a flange and an annular fold is formed to secure a sheet metal part. Accordingly, Applicant respectfully submits that new independent claim 44 has been placed in a condition for allowance.

New claims 45-51 depend from new claim 44, and therefore, include each and every step recited in new claim 44. Accordingly, Applicant respectfully submits that new claims 45-51 have also been placed in a condition for allowance.

New independent claim 52 recites a component assembly having a functional element secured to a sheet metal panel where the functional element includes a head part that is deformed radially outwardly forming a rivet flange and an annular fold on an opposite side of the sheet metal panel. None of the prior art references cited by the Examiner show this combination of elements. Accordingly, Applicant respectfully submits that new independent claim 55 has now been placed in a condition for allowance.

New claims 53-55 depend from claim 52, and therefore, include each and every element recited in claim 52. Accordingly, Applicant respectfully submits that new claims 53-55 have also been placed in a condition for allowance.

New claims 56-58 recite an apparatus for forming a riveting joint between a functional element and a sheet panel. These claims include novel features not disclosed in any of the prior

art references and generally correspond to original claims 20-26. The Examiner has not examined these claims on their merits, due to the objection under 37 C.F.R. § 1.75(c). No new matter has been added to these claims.

Attached is a check in the amount of \$163.00 (\$55.00 for the surcharge for the filing of this Response and \$108.00 for the additional dependent claims) as required by the filing of this Amendment. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Amendment.

Respectfully submitted,

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Amendment** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EV548546607US** and addressed to **Mail Stop Fee Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **June 15, 2004**.



Tracy L. Smith